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| FORM PTO-1390      U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  |   | ATTORNEY'S DOCKET NUMBER<br><br>052775-0037                                      |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b> |   | U.S. APPLIC. NO. (if known, see 37 CFR 1.5)<br>Not yet assigned <b>10/532044</b> |
| INTERNATIONAL APPLICATION NO<br>PCT/JP2004/001230   | INTERNATIONAL FILING DATE<br>February 5, 2004   | PRIORITY DATE CLAIMED<br>February 6, 2003  |
| TITLE OF INVENTION<br>DIFFRACTIVE OPTICAL ELEMENT AND LASER MACHINING APPARATUS USING SAME  |   |  |
| APPLICANTS FOR DO/EO/US<br>Keiji FUSE   |   |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:     |   |  |
| 1. <input checked="" type="checkbox"/>  | This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.   |  |
| 2. <input type="checkbox"/>   | This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.   |  |
| 3. <input checked="" type="checkbox"/>  | This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.   |  |
| 4. <input checked="" type="checkbox"/>  | The US has been elected (Article 31).   |  |
| 5. <input checked="" type="checkbox"/>  | A copy of the International Application as filed (35 U.S.C. 371(c)(2))<br>a. <input type="checkbox"/> is attached herewith (required only if not transmitted by the International Bureau).<br>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.<br>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)  |  |
| 6. <input type="checkbox"/>   | An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).  |  |
| 7. <input checked="" type="checkbox"/>  | Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<br>a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).<br>b. <input type="checkbox"/> have been communicated by the International Bureau.<br>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendment has NOT expired.<br>d. <input checked="" type="checkbox"/> have not been made and will not be made. |  |
| 8. <input type="checkbox"/>   | An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).  |  |
| 9. <input checked="" type="checkbox"/>  | An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).  |  |
| 10. <input type="checkbox"/>  | An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).   |  |
| Items 11. to 16. below concern other document(s) or information included:   |   |  |
| 11. <input checked="" type="checkbox"/>   | An Information Disclosure Statement under 37 CFR 1.97 and 1.98.   |  |
| 12. <input checked="" type="checkbox"/>   | An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.   |  |
| 13. <input type="checkbox"/>  | A preliminary amendment.  |  |
| 14. <input type="checkbox"/>  | An Application Data Sheet under 37 CFR 1.76.  |  |
| 15. <input type="checkbox"/>  | A substitute specification.   |  |
| 16. <input type="checkbox"/>  | A power of attorney and/or change of address letter.  |  |
| 17. <input type="checkbox"/>  | A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.  |  |
| 18. <input type="checkbox"/>  | A second copy of the published International Application under 35 U.S.C. 154(d)(4).   |  |
| 19. <input type="checkbox"/>  | A second copy of the English translation of the International Application under 35 U.S.C. 154(d)(4).  |  |
| 20. <input checked="" type="checkbox"/>   | Other items or information.<br>1. Front Page of Published International Application<br>2. International Search Report as prepared by JPO<br>3. PCT/IB/311<br>4. Reply (Argument)  |  |

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| U.S. APPLIC. NO. (if known, see 37 CFR 1.50)<br>Not yet assigned <b>10/532044</b>   |              | INTERNATIONAL APPLICATION NO.<br>PCT/JP2004/001230                            |            | ATTORNEY'S DOCKET NUMBER<br>052775-0037 |              |
|   |              |   |            | CALCULATIONS                            | PTO USE ONLY |
| 21. <input checked="" type="checkbox"/> The following fees are submitted:   |              |   |            |   |              |
| <input checked="" type="checkbox"/> Basic National Stage Fee \$300  |              |   |            | \$300.00                                |              |
| 22. <input checked="" type="checkbox"/> Examination Fee<br>If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100<br>All other situations \$200   |              |   |            | \$200.00                                |              |
| 23. <input checked="" type="checkbox"/> Search Fee<br>Search fee (37 CFR 1.445(1)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100<br>International Search Report prepared and provided to the Office \$400<br>All other situations \$500  |              |   |            | \$400.00                                |              |
| TOTAL OF 21, 22 and 23 =  |              |   |            | \$900.00                                |              |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium).<br>The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |   |            | \$                                      |              |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction Thereof (round up to a whole number) | RATE       |   |              |
| -100  | /50=         |   | X\$250     | \$                                      |              |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |   |            | \$                                      |              |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE       |   |              |
| Total Claims  | 10-20 =      | 0   | x \$50.00  | \$0.00                                  |              |
| Independent Claims  | 3-3 =        | 0   | x \$200.00 | \$0.00                                  |              |
| Multiple dependent claim(s) (if applicable)   |              |   | + \$360.00 | \$360.00                                |              |
| TOTAL OF ABOVE CALCULATIONS =   |              |   |            | \$1,260.00                              |              |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.  |              |   |            | \$                                      |              |
| SUBTOTAL =  |              |   |            | \$1,260.00                              |              |
| Processing fee of \$130.00 for furnishing the English translation later than the 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |   |            | +                                       | \$           |
| TOTAL NATIONAL FEE =  |              |   |            | \$1,260.00                              |              |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |              |   |            | +                                       | \$40.00      |
| TOTAL FEES ENCLOSED =   |              |   |            | \$1,300.00                              |              |
|   |              |   |            | Amount to be refunded                   | \$0.00       |
|   |              |   |            | Amount to be charged                    | \$1,300.00   |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>500417</u> in the amount of <u>\$1,300.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>500417</u>. A duplicate copy of this sheet is enclosed.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:<br/>Customer Number 20277<br/>Telephone: 202.756.8000<br/>Facsimile: 202.756.8087<br/>April 21, 2005<br/>DATE</p> <p>SIGNATURE <br/>Stephen A. Becker<br/>NAME<br/>26,527<br/>REGISTRATION NUMBER</p> |              |   |            |   |              |

BASED ON FORM PTO-1390 (Rev. 2-2005)